Form HICOG-8
(15 Sept 49)

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [illegible] DATE 12-3-81
RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☑
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
PA or FOI EXEMPTIONS

To: Spandau File

From: Mr. Hagan

Date: February 28, 1952

Subject: Disposal of Remains under German Law

Mr. J. E. Bare reported that under German law there appears to exist a conflict concerning the rights to remains of a person. According to Stattinger, "Commentary to Civil Code", 9th edition, 1928, vol. 5, p. 21, the heirs have the right to dispose of the remains. Kipp, "Das Erbrecht", 8th edition, 1930, p. 3, speaks of the "die Hinterbliebenden" and the "die Erben". Palandt, "Commentary on Civil Code", 8th edition, 1950, p. 50, makes reference to power of disposition as belonging to the next of kin, after noting the conflict under German law.

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